

110TH CONGRESS  
1ST SESSION

# S. 275

To establish the Prehistoric Trackways National Monument in the State  
of New Mexico.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2007

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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## A BILL

To establish the Prehistoric Trackways National Monument  
in the State of New Mexico.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Prehistoric Trackways  
5       National Monument Establishment Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) MONUMENT.—The term “Monument”  
9       means the Prehistoric Trackways National Monu-  
10      ment established by section 4(a).

1           (2) PUBLIC LAND.—The term “public land”  
 2       has the meaning given the term “public lands” in  
 3       section 103 of the Federal Land Policy and Manage-  
 4       ment Act of 1976 (43 U.S.C. 1702).

5           (3) SECRETARY.—The term “Secretary” means  
 6       the Secretary of the Interior.

7   **SEC. 3. FINDINGS.**

8       Congress finds that—

9           (1) in 1987, a major deposit of Paleozoic Era  
 10      fossilized footprint megatrackways was discovered in  
 11      the Robledo Mountains in southern New Mexico;

12          (2) the trackways contain footprints of numer-  
 13      ous amphibians, reptiles, and insects (including pre-  
 14      viously unknown species), plants, and petrified wood  
 15      dating back approximately 280,000,000 years, which  
 16      collectively provide new opportunities to understand  
 17      animal behaviors and environments from a time pre-  
 18      dating the dinosaurs;

19          (3) title III of Public Law 101–578 (104 Stat.  
 20      2860)—

21              (A) provided interim protection for the site  
 22              at which the trackways were discovered; and

23              (B) directed the Secretary of the Interior  
 24              to—

1 (i) prepare a study assessing the sig-  
 2 nificance of the site; and

3 (ii) based on the study, provide rec-  
 4 ommendations for protection of the paleon-  
 5 tological resources at the site;

6 (4) the Bureau of Land Management completed  
 7 the Paleozoic Trackways Scientific Study Report in  
 8 1994, which characterized the site as containing  
 9 “the most scientifically significant Early Permian  
 10 tracksites” in the world;

11 (5) despite the conclusion of the study and the  
 12 recommendations for protection, the site remains un-  
 13 protected and many irreplaceable trackways speci-  
 14 mens have been lost to vandalism or theft; and

15 (6) designation of the trackways site as a Na-  
 16 tional Monument would protect the unique fossil re-  
 17 sources for present and future generations while al-  
 18 lowing for public education and continued scientific  
 19 research opportunities.

20 **SEC. 4. ESTABLISHMENT.**

21 (a) IN GENERAL.—In order to conserve, protect, and  
 22 enhance the unique and nationally important paleontolog-  
 23 ical, scientific, educational, scenic, and recreational re-  
 24 sources and values of the public land described in sub-

1 section (b), there is established the Prehistoric Trackways  
2 National Monument in the State of New Mexico.

3 (b) DESCRIPTION OF LAND.—The Monument shall  
4 consist of approximately 5,367 acres of public land in  
5 Doña Ana County, New Mexico, as generally depicted on  
6 the map entitled “Prehistoric Trackways National Monu-  
7 ment” and dated June 1, 2006.

8 (c) MAP; LEGAL DESCRIPTION.—

9 (1) IN GENERAL.—As soon as practicable after  
10 the date of enactment of this Act, the Secretary  
11 shall prepare and submit to Congress an official map  
12 and legal description of the Monument.

13 (2) CORRECTIONS.—The map and legal descrip-  
14 tion submitted under paragraph (1) shall have the  
15 same force and effect as if included in this Act, ex-  
16 cept that the Secretary may correct any clerical or  
17 typographical errors in the legal description and the  
18 map.

19 (3) CONFLICT BETWEEN MAP AND LEGAL DE-  
20 SCRIPTION.—In the case of a conflict between the  
21 map and the legal description, the map shall control.

22 (4) AVAILABILITY OF MAP AND LEGAL DE-  
23 SCRIPTION.—Copies of the map and legal description  
24 shall be on file and available for public inspection in

1 the appropriate offices of the Bureau of Land Man-  
2 agement.

3 (d) MINOR BOUNDARY ADJUSTMENTS.—If additional  
4 paleontological resources are discovered on public land ad-  
5 jacent to the Monument after the date of enactment of  
6 this Act, the Secretary may make minor boundary adjust-  
7 ments to the Monument to include the resources in the  
8 Monument.

9 **SEC. 5. ADMINISTRATION.**

10 (a) MANAGEMENT.—

11 (1) IN GENERAL.—The Secretary shall manage  
12 the Monument—

13 (A) in a manner that conserves, protects,  
14 and enhances the resources and values of the  
15 Monument, including the resources and values  
16 described in section 4(a); and

17 (B) in accordance with—

18 (i) this Act;

19 (ii) the Federal Land Policy and Man-  
20 agement Act of 1976 (43 U.S.C. 1701 et  
21 seq.); and

22 (iii) other applicable laws.

23 (2) NATIONAL LANDSCAPE CONSERVATION SYS-  
24 TEM.—The Monument shall be managed as a com-

ponent of the National Landscape Conservation System.

(3) PROTECTION OF RESOURCES AND VALUES.—The Secretary shall manage public land adjacent to the Monument in a manner that is consistent with the protection of the resources and values of the Monument.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this Act; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current manage-

1                   ment or activity plan for the land described  
2                   in section 4(b); and

3                   (ii) use information developed in stud-  
4                   ies of any land within or adjacent to the  
5                   Monument that were conducted before the  
6                   date of enactment of this Act.

7           (c) AUTHORIZED USES.—The Secretary shall only  
8 allow uses of the Monument that the Secretary determines  
9 would further the purposes for which the Monument has  
10 been established.

11          (d) INTERPRETATION, EDUCATION, AND SCIENTIFIC  
12 RESEARCH.—

13           (1) IN GENERAL.—The Secretary shall provide  
14 for public interpretation of, and education and sci-  
15 entific research on, the paleontological resources of  
16 the Monument, with priority given to exhibiting and  
17 curating the resources in Doña Ana County, New  
18 Mexico.

19           (2) COOPERATIVE AGREEMENTS.—The Sec-  
20 retary may enter into cooperative agreements with  
21 appropriate public entities to carry out paragraph  
22 (1).

23          (e) SPECIAL MANAGEMENT AREAS.—

24           (1) IN GENERAL.—The establishment of the  
25 Monument shall not change the management status

1 of any area within the boundary of the Monument  
2 that is—

3 (A) designated as a wilderness study area  
4 and managed in accordance with section 603(c)  
5 of the Federal Land Policy and Management  
6 Act of 1976 (43 U.S.C. 1782(c)); or

7 (B) managed as an area of critical environ-  
8 ment concern.

9 (2) CONFLICT OF LAWS.—If there is a conflict  
10 between the laws applicable to the areas described in  
11 paragraph (1) and this Act, the more restrictive pro-  
12 vision shall control.

13 (f) MOTORIZED VEHICLES.—

14 (1) IN GENERAL.—Except as needed for admin-  
15 istrative purposes or to respond to an emergency,  
16 the use of motorized vehicles in the Monument shall  
17 be allowed only on roads and trails designated for  
18 use by motorized vehicles under the management  
19 plan prepared under subsection (b).

20 (2) PERMITTED EVENTS.—The Secretary may  
21 issue permits for special recreation events involving  
22 motorized vehicles within the boundaries of the  
23 Monument, including the “Chile Challenge”—

24 (A) to the extent the events do not harm  
25 paleontological resources; and



1 (B) subject to any terms and conditions  
2 that the Secretary determines to be necessary.

3 (g) WITHDRAWALS.—Subject to valid existing rights,  
4 any Federal land within the Monument and any land or  
5 interest in land that is acquired by the United States for  
6 inclusion in the Monument after the date of enactment  
7 of this Act are withdrawn from—

8 (1) entry, appropriation, or disposal under the  
9 public land laws;

10 (2) location, entry, and patent under the mining  
11 laws; and

12 (3) operation of the mineral leasing laws, geo-  
13 thermal leasing laws, and minerals materials laws.

14 (h) GRAZING.—The Secretary may allow grazing to  
15 continue in any area of the Monument in which grazing  
16 is allowed before the date of enactment of this Act, subject  
17 to applicable laws (including regulations).

18 (i) HUNTING.—

19 (1) IN GENERAL.—Nothing in this Act dimin-  
20 ishes the jurisdiction of the State of New Mexico  
21 with respect to fish and wildlife management, includ-  
22 ing regulation of hunting on public land within the  
23 Monument.

24 (2) REGULATIONS.—The Secretary, after con-  
25 sultation with the New Mexico Department of Game

1       and Fish, may issue regulations designating zones in  
2       which and establishing periods during which hunting  
3       shall not be allowed for reasons of public safety, ad-  
4       ministration, or public use and enjoyment.

5       (j) WATER RIGHTS.—Nothing in this Act constitutes  
6       an express or implied reservation by the United States of  
7       any water or water rights with respect to the Monument.

8       **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

9       There are authorized to be appropriated such sums  
10      as are necessary to carry out this Act.

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